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February 19, 2013

**VIA TELEFAX – 856-757-5355**

Honorable Joel Schneider, U.S.M.J.  
Mitchell H. Cohen Building & U.S. Courthouse  
4<sup>th</sup> & Cooper Streets  
Camden, NJ 08101

**Re: Jake Ball Trust v. Matthew Durst  
Case No. 1:12-cv-05255-JBS-JS**

RECEIVED

FEB 19 2013

JOEL SCHNEIDER  
U.S. Magistrate Judge

Dear Judge Schneider:

This firm represents Plaintiffs in the above matter. In accordance with the Court's request, Plaintiffs submitted a Supplemental Brief to their Motion to Amend to join John Yacovelle, Esquire as a Defendant and disqualify him as the attorney for Defendant, Matthew Durst.

In response, John Yacovelle, Esquire has submitted a response in which he falsely accuses Plaintiffs' counsel and Plaintiffs of submitting a fraudulent document to the Court.

First, Mr. Yacovelle's accusations are false. If Mr. Yacovelle wishes to contest the Agreement, appraisal or any other document given through the Trust's Connecticut attorney, he can do so at trial. It is not relevant to this Motion.

Second, raising an issue of fraud is nothing more than Mr. Yacovelle's attempt to divert the Court's attention from the issue of his joinder as a Defendant and disqualification as counsel.

Third, Mr. Yacovelle is once again submitting his own factual testimony to the Court. Matthew Durst's Certification falls grossly short of supporting Mr. Yacovelle's factual testimony. There is nothing in the Matthew Durst Certification that supports Mr. Yacovelle's factual assertion regarding the documents. His "testimony" is just another example as to why Mr. Yacovelle must be disqualified. He is again presenting his facts and is not necessarily in the best interest of the Trust. Mr. Yacovelle has taken great liberties in "expanding" and "supplementing" the "facts" as certified by Matthew Durst.

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Accordingly, Plaintiffs respectfully request a telephone conference to address Mr. Yacovelle's inappropriate and false accusation of fraud to the Court.

Respectfully,

THE D'ELIA LAW FIRM, LLC

By: 

Vincent D'Elia

VDE/kjy

cc: Steven Durst (via email)  
Reuben Durst (via email)  
John Yacovelle, Esquire (via email & regular mail)

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